

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 958

Case No. 01-21CP/16553

(Campus Plan and Further Processing – George Washington University)

January 14, 2002

This Decision and Order arises out of an application by the George Washington University ("University" or "Applicant") for special exception approval pursuant to 11 DCMR § 3104.1 and in accordance with § 210 of the Zoning Regulations for further processing under an approved campus plan to authorize the construction and use of a new dormitory on the campus of the University in an R-5-D District at premises 616 23rd Street, N.W. (Square 43, Lot 26).

HEARING DATE: December 6, 2002

DECISION DATE: January 14, 2002

SUMMARY ORDER

1. Advisory Neighborhood Commission ("ANC") 2A was a party in this proceeding. The Commission received requests for party status from Dr. Donald Kreuzer, Robin Meigel, Marilyn Manolo, and Dorothy Miller. The Commission granted the request of Dr. Kreuzer and denied the requests of Ms. Meigel, Ms. Manolo, and Ms. Miller. St. Mary's Episcopal Church filed a letter stating that it had not received notice of the hearing as required by § 3113.13(b) of the Zoning Regulations. The Applicant replied, and it was later determined, that St. Mary's Episcopal Church is not located within 200 feet of the property that is the subject of this application and thus was not required by § 3113.13(b) to receive notice from the Applicant. The Commission noted that the record would remain open after the public hearing for the St. Mary's Episcopal Church to submit comments.
2. Pursuant to Commission practices relating to campus plans, this application was not accompanied by a self-certification form or a memorandum from the Zoning Administrator certifying the required zoning relief.
3. The Applicant submitted a plan for developing the campus as a whole, showing the location, height, and bulk of all present and proposed improvements as required by 11 DCMR § 210.4. The Board of Zoning Adjustment ("BZA") approved that plan by order

dated March 29, 2001. The Board clarified that order, on remand, by order dated December 21, 2001. The approved Campus Plan For The George Washington University For Years 2000 Through 2010 ("approved Campus Plan") adds Square 43 to the campus boundary. The BZA's order of March 29, 2001, and the remand order of December 21, 2001, direct the University to take decisive steps to house 70% of its full-time undergraduate students within the campus boundaries. To that end, the remand order directs the University to provide beds for at least 5,600 full-time undergraduate students on campus, or outside of the Foggy Bottom/West End area, no later than August 31, 2002. In addition, beginning in August 2002, to provide one bed on campus, or outside of the Foggy Bottom/West End area, for each full-time undergraduate student in excess of the University enrollment of 8,000, and directs the University to meet the aforementioned housing requirements exclusively by on-campus housing no later than August 31, 2006.

4. The Applicant proposes to construct a new, state-of-the-art dormitory on a vacant lot it now owns on Square 43. The new dormitory will be located across G Street to the south of the University's Health and Wellness Center and across 23rd Street to the west from the Charles E. Smith Athletic Center and another dormitory that the Applicant is currently proposing to build on Square 57.
5. The proposed dormitory will contain approximately 237,000 gross square feet of floor area, will consist of a nine-story structure with a ground floor and basement, and will have a capacity of approximately 700 beds. The maximum height of the building will be 90 feet from 23rd Street and the floor area ratio and parking requirements for the facility are considered in the overall FAR and parking requirements for the University as a whole pursuant to the approved Campus Plan. The University has submitted a certification, as required by 11 DCMR § 210.8 that this proposed building is within the FAR limit for the campus as a whole, based upon the computation in the approved Campus Plan and the FARs of other buildings constructed or demolished since the Campus Plan was approved.
6. The dormitory will be located on Lot 26, which is owned by the University and located on its central campus and on property that is properly zoned for dormitory uses.
7. The dormitory will contain dormitory residence rooms for male and female underclassmen, 88 below grade parking spaces, and spaces for three or four food venue services on the lower and first levels.
8. The site is located on a nearly triangular square bordered by G Street on the north, 23rd Street on the east, Virginia Avenue on the south, and 24th Street on the west. Lot 26 contains approximately 32,723 square feet of land area and is vacant. The remainder of the square contains The Wellington Condominium residences and three single family structures. The Wellington Condominium was built in 1982 and contains 52 units. The three single family structures, located on the southeastern tip of the square, are owned by Dr. Kreuzer, who at the hearing expressed his intention to develop his property to the fullest extent of the zoning envelope.

9. The University enrolled 8,058 full-time undergraduate students in the fall of 2001. It provides 4,056 beds on campus and 1,395 beds off-campus in University owned or controlled facilities. The dormitory that is proposed on Square 43 will add 700 on-campus beds in 2004. In addition, the proposed dormitory on Square 57, if approved, will add another 204 beds and the residential facilities at the Elliott School building, if approved, will add an additional 193 beds. Thus, if all three of the aforementioned residential facilities are approved and built, 1,097 additional beds will be added to the campus inventory, thus raising the number of on-campus beds to 5,153 or approximately 64% of the University's Fall 2001 full-time undergraduate population.
10. The Commission finds that there is an immediate need for the University to construct and open on-campus dormitory facilities if it is to meet the on-campus housing requirement imposed by the BZA in its remand order of December 21, 2001.
11. The University maintains that the proposed use meets the requirements of the Zoning Regulations and of the approved Campus Plan. It provided information about the proposed use, the appropriateness of its location, and the proposed project's compatibility with surrounding uses.
12. In accordance with the BZA order of March 29, 2001, and the remand order of December 21, 2001, the University has submitted evidence in the record that shows that it has consistently remained in substantial compliance with conditions 1-19 therein with the exception of condition 9 which is the subject of a preliminary injunction in The George Washington University v. District of Columbia, Civil No. 01-0895 (D. D.C. 2001).
13. The generalized land use map of the District of Columbia Comprehensive Plan Act designates the entire campus plan area for "institutional uses". The properties that lie adjacent to the campus are generally designed for high density residential, and medium and high density commercial uses. Generally, medium to high density residential and commercial uses predominate to the west of the campus, while high density commercial uses dominate to the east.
14. The University's architect, who was recognized as an expert witness by the Commission, testified that the proposed dormitory is designed so as not to be objectionable to surrounding properties.
15. The University's architect also testified that the proposed design of the dormitory responds to the urban context and neighborhood with respect to its site configuration, massing, and building materials. He testified that the building is in keeping with the District of Columbia's tradition of creating vistas and strong street edges by following the diagonal of Virginia Avenue while, at the same time, holding the orthogonal boundaries of G Street and 23rd Street, N.W. The proposed line modulates the proposed 90 foot height by creating a clear base, middle, and top of the structure. The scale of the adjacent townhouses is further echoed by the introduction of a three-story bay projection at the dormitory building's main entrance. Two belt course projections relating to some of the articulations found on the façade of the Health and Wellness Center across G Street to the

north are included. Along 23rd Street, an entry tower is proposed and is defined by recessing the adjacent windows and spandrel panels. The architect testified further that another significant element, which has been given special consideration, is the “hinge” which rises above the adjacent townhouses at the intersection of 23rd Street and Virginia Avenue. The hinge consists of a sweeping curve of precast concrete and glass which sets back slightly from the property line to allow the masonry blocks which front the streets to be expressed. The windows in the curve provide light and views for the elevator lobby. Finally, the architect testified that the exterior material plate is consistent with that use in other recent University buildings on the adjacent squares. He testified that the architectural design of this dormitory is entirely consistent with the “special street” status of 23rd Street as designated in the District Elements of the D.C. Comprehensive Plan.

16. The University’s architect submitted a statement to the record that structural design adjustments, suggested by the staff of the Commission of Fine Arts and adopted by the University, have resulted in the creation of a closed court on the southeast “hinge” of the proposed dormitory structure and that this same closed court does not meet the minimum width or area requirements at § 406.1 of the Zoning Regulations. The University acknowledged that variance relief, in addition to this special exception, will be required to obtain full zoning approval for this proposed dormitory structure.
17. The proposed dormitory project provides appropriate vehicular access to the site. A loading dock with two twelve-foot by thirty-foot bays accessed from G Street is included. The project also includes one and one-half levels of below grade parking which provide approximately 88 parking spaces. Parking access is from Virginia Avenue with a driveway located within the side yard setback. The garage will be self-park with a card reader and gate located at the driveway entrance.
18. The University’s traffic and parking consultant, who was also admitted as an expert witness, testified that he had performed and submitted into the record a transportation and parking analysis which assesses the impact that the proposed dormitory will have on existing traffic and parking in the area. He testified that there were relatively no new traffic impact caused by the proposed dormitory and that the proposed site access would not have an adverse impact on pedestrians or the surrounding street network. He testified further that the approval of this application would not cause any of the intersections in the surrounding areas to operate at unacceptable levels of service, with the exception of the Virginia Avenue and 23rd Street intersection during the morning peak hour. That intersection is projected to continue to operate at a failing level of service during future conditions but that the approval of this application will not exacerbate the existing level of service because the morning congestion is attributable to commuter rather than to local traffic. He also testified that the University would remain in compliance with its campus plan’s minimum parking requirement of 2,800 spaces if this application is approved. The University’s parking manager collaborated that conclusion in subsequent testimony. Finally, the traffic and parking expert recommended that fluorescent orange guideposts be installed along the Virginia Avenue roadway at its exits, at ground level, from the underpass that is adjacent to the site. These guideposts, he testified, would prevent traffic

from having an adverse confluence with Virginia Avenue traffic that is immediately in front of the site. The Commission credits this testimony.

19. Based on these conclusions and recommendations, the University's traffic and parking expert concluded that the development of the proposed dormitory on Square 43 would not have an adverse impact because of traffic, parking, or loading. In reaching this conclusion, he testified that his study has taken into account all developments and transportation system changes since the approval of the campus master plan and through the foreseeable future.
20. The dormitory will contain three or four food venue locations: three on the lower level and one at ground level. No alcoholic beverages will be served at any of these venues.
21. By memorandum dated November 30, 2001, and by oral testimony at the December 6, 2001, public hearing, the D.C. Office of Planning opined that this application satisfied the zoning requirements and recommended that it be approved. In so doing, the memorandum noted that the development of a residential facility on Square 43 is compatible with the general development pattern along 23rd Street, that the development of a student residence facility on Square 43 is in keeping with the BZA's campus plan order, and that the building of a new dormitory on Square 43 is responsive to many of the concerns and policies of the Comprehensive Plan. The Office of Planning's memorandum further states that the height of the proposed dormitory is within that permitted in the R-5-D District, and that it is not good design practice to restrict the height of the new dormitory to adjust to the height of the remaining townhouses. Finally, the Office of Planning concluded that the granting of a special exception to permit the proposed dormitory on Square 43 will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to adversely affect the use of neighboring property. In reaching this conclusion, the Office of Planning expressed concern that the architecture and landscaping plan be refined to reflect the "special street" status accorded to 23rd Street in the District of Columbia Elements of the Comprehensive Plan for the National Capital. The Office of Planning also recommended that additional coordination be undertaken with the D.C. Department of Transportation with respect to the control of turning movements into the parking driveway from Virginia Avenue.
22. By memorandum dated November 30, 2001, the D.C. Department of Public Works ("DPW"), Office of Transportation Planning concluded that the proposed dormitory project on Square 43 will have no measurable impact on the surrounding street system. As such, DPW stated its support for this application.
23. By letters dated November 28, 2001, and January 2, 2002, the Foggy Bottom and West End Advisory Neighborhood Commission (ANC-2A) stated that it does not oppose the construction of a dormitory on Square 43 subject to certain conditions:
 - a. That the University submit its overall plan and proposed timeline for student housing, as well as its academic facilities plans within its current campus boundary as provided by the approved Campus Plan;

- b. That the University “revisit and adopt as closely as possible” its December 1999 campus plan proposal to house 350 not 700 students on Square 43;
 - c. That the University revisit the design of dormitory housing on Square 57 and increase the number of beds at that location to the maximum permitted under the Zoning Regulations, so that any shortfall in the number of beds from Square 43 can be provided for on Square 57;
 - d. That the University revisit an alleged pledge to retain the Foggy Bottom/West End historic ambiance by incorporating the original Square 43 townhouse façades or replicas thereof on the fronts of the Square 43 and Square 57 dormitory projects;
 - e. That the University plan and design a dormitory residence hall, with suitable capacity, for the remaining lot on Square 56; and
 - f. That unless the aforementioned conditions are met, the ANC will oppose the approval of zoning authority for the new dormitories on Squares 43 and 57 and for the School of Business and Public Management addition to Fungler Hall on Square 56.
24. The ANC-2A’s letters also raised the following concerns:
- a. That the University’s enrollment policies have resulted in adverse effects to the residential Foggy Bottom/West End neighborhood;
 - b. That the University has not offered a plan that shows how it will meet the undergraduate housing requirements mandated by the Board of Zoning Adjustment in its Orders of March 29, 2001, and December 21, 2001;
 - c. That the size of the proposed dormitory on Square 43 “dwarfs” the neighboring townhouses and is architecturally out of character with the “townhouse” residential character of Foggy Bottom; and
 - d. That the Virginia Avenue location of the access to the proposed underground parking garage requires an independent study to determine if this location will have an adverse effect on the transportation system.
25. Dr. Donald Kreuzer appeared at the hearing with counsel and an architect. Subsequently, each submitted letters to the record. In testimony and in written documents, Dr. Kreuzer and his associates testified that to his disappointment the University had purchased and subsequently demolished the other townhouses on Square 43. He further testified this was contrary to the BZA’s final order in Application No. 14455, and at odds with the University’s “original” plan to employ those “low-scale” townhouses as buffers between the University and the non-University residential community. He alleged that the University’s plan to build a high-density dormitory on the square forces him to develop a residential structure that is “compatible” with the development pattern of the University. His attorney noted that such a development would require one or more variances from the

Zoning Regulations, architectural cooperation from the University, and a Commission order requiring the University to reserve parking in its proposed structure to accommodate the off-street parking requirement for Dr. Kreuzer's building. Dr. Kreuzer's architect wrote of his concerns with the relationship of the southeastern façade of the proposed dormitory to Dr. Kreuzer's existing property and to the property development that he proposes. The architect contended that the University's plan to include windows on the southeastern façade of its proposed dormitory building impermissibly and adversely affects the privacy of Dr. Kreuzer's property. He suggested that all windows on the two southeast façades, including the elevator lobby windows, be made of opaque spandrel glass and be non-operable so as to prevent the transmittance of sound from the dormitory to Dr. Kreuzer's property. He also requested that no windows be approved in the walls of the University building facing Dr. Kreuzer's property up to a height of 20 feet, also to prevent unnecessary intrusion into the privacy of Dr. Kreuzer's property.

26. By letter dated November 30, 2001, the Foggy Bottom Association ("FBA") stated its general agreement with the position of ANC-2A as stated in the record. Specifically, it stated that the FBA does not oppose the construction of a dormitory residence hall and ancillary services project on Square 43 with the stipulation that it be designed for 350 beds rather than the 700 currently proposed. The FBA further stated its support for the concept of a townhouse façade with the Square 43 dormitory along its 23rd Street frontage. Mrs. Barbara Spillinger appeared at the hearing to give the FBA report.
27. The West End Citizens Association submitted a letter to the record on November 29, 2001, stating that the proposed building on Square 43 should be reduced in bulk and have an alternative design, that the windows on the southeast hinge of the structure be blocked in so as to preserve the privacy of Dr. Kreuzer's property, and that the vehicular and pedestrian traffic patterns that are adjacent to the site need modification for noise and safety reasons.
28. Four persons appeared and testified in opposition to the application. Two were residents at the Remington Condominium; one testified as the President of the Columbia Plaza Tenants Association; and the other testified in her capacity as the ANC Commissioner for a single member district that is adjacent to the site. All stated that the proposed dormitory on Square 43 is too large and, as such, will cause adverse effects on the use and enjoyment of neighboring property because of noise, the height of the building, traffic problems and the number of students that will be frequenting the square.

Findings of Fact:

1. The Commission finds that the University has met the requisite burden of proof as set forth in §§ 210 and 3104.1 of the Zoning Regulations. The construction and use of the proposed student dormitory on Square 43 will not tend to adversely affect the use of neighboring properties nor become objectionable to neighboring properties because of noise, number of students, or vehicular traffic. In so finding, the Commission credits the

- expert testimonies and record evidence of the University's architect, its traffic consultant, and the findings and recommendations of the D.C. Office of Planning and DPW.
2. The Commission credits the report of the University's expert traffic consultant that all intersections in the vicinity of Square 43 will operate at acceptable levels of service except the intersection of Virginia Avenue and 23rd Street at certain periods of the day. The Commission notes in the expert traffic consultant's testimony that the Virginia Avenue and 23rd Street intersection currently operates at a below acceptable level of service in the morning peak hour and that the development of the proposed dormitory on Square 43 will not cause the level of service at that intersection to further deteriorate. The Commission is especially mindful of the testimony of the University's parking manager who testified that it is the University's experience that very few students, less than 1%, are likely to bring cars to the proposed dormitory once it is opened. The Commission finds further that there are a sufficient number of off-street parking spaces provided in the facility and on the campus as a whole to accommodate the development of the dormitory on Square 43. For these reasons, the Commission concludes that the approval of this application will not have an adverse effect on the use or enjoyment of neighboring property because of traffic.
 3. The Commission makes the following findings with respect to the concerns submitted by ANC-2A:
 - a. The University must present its overall plan for housing full-time undergraduate students on campus. The BZA, in its order dated March 29, 2001, approving the University's campus plan for the years 2000 through 2010, ordered the University to freeze its full-time undergraduate population until it housed 70% of such population on campus. On June 15, 2001, the enforcement of condition 9 of this order was enjoined by the United States District Court. In addition, the District of Columbia sought and obtained a remand of this order from the D.C. Court of Appeals. After hearings on remand, the BZA issued a proposed order on November 1, 2001, which was issued in written form on December 21, 2001. In the interim, the University has moved aggressively to create three development proposals that will increase the number of on-campus beds by 1,097, or 14%. Given the legal controversy surrounding this issue, the University's substantive steps to increase the number of on-campus beds and the timing of the remand order, the Commission is satisfied that the University is taking reasonable steps to produce an overall housing plan in a timely manner. Further, the BZA has heard substantial testimony and considered numerous documents concerning the appropriate balance between the University's interest in being a thriving, attractive, and modern central city University campus and the Foggy Bottom/West End citizens' concern that the University is diminishing the fabric and quality of non-university residential life in that neighborhood. The Commission defers to the BZA's order approving the campus plan which, together with the substantive and strict conditions that are set forth therein, strikes a reasonable balance between these competing and conflicting interests. The Commission is obliged to apply these strict standards regarding student enrollment, on-campus undergraduate student housing and the development

of academic and support facilities, on a case-by-case basis, adhering strictly to the balances fashioned by the BZA;

- b. The University should limit student beds on Square 43 to 350. Given the Commission's determination that Square 43 is an appropriate location to develop high density residential facilities, the BZA's order to the University to substantially increase the number of on-campus beds for its full-time undergraduate students and the Commission's finding that the housing of 700 students on Square 43 will not have an adverse impact upon the use and enjoyment of neighboring property, the Commission finds that limiting the number of students on Square 43 is unrealistic, unnecessary, and counterproductive to the goal, which the ANC urged be imposed on the University, of the University housing 80% of its undergraduate students on its downtown campus;
- c. The University should redesign its proposed dormitory on Square 57 so as to increase the number of beds on Square 57 and decrease the number of beds on Square 43. For the reasons given above, the Commission has found the proposed number of beds on Square 43 to be reasonable and in keeping with the requirements of the Zoning Regulations. The ANC has given no persuasive reason why the number of beds should be increased on Square 57 and decreased on Square 43;
- d. The University should incorporate a townhouse façade on the 23rd Street face of the dormitory project. The Commission finds that the Zoning Regulations do not require the University, nor compel the Commission to establish a particular architectural style on any development. The Commission's function is to determine whether the proposed architecture will have an adverse effect on the use and enjoyment of neighboring property. The Commission notes that the underlying R-5-D zone district fully contemplates and supports the development of high density residential facilities on this square. Certainly the University could have considered a townhouse façade on Square 43 if it chose. But the Commission will not require it to do so because the Zoning Regulations don't require it to do so. Further, the Commission has found that the proposed architecture will not have an adverse effect on the use and enjoyment of neighboring property. The ANC has presented no evidence to the contrary;
- e. The University should plan and construct a dormitory residence on the remaining lot that it owns on Square 56. The Commission finds that this condition has no relevance to its evaluation of the proposed development on Square 43. The ANC has submitted no evidence to the contrary;
- f. The Commission finds that the ANC's concern that the proposed dormitory on Square 43 "dwarfs the neighboring adjacent townhouses" to be without effect. In so finding, the Commission notes that the underlying zoning envelope, as well as the Comprehensive Plan authorizes and promotes large scale, high density development on Square 43. All property owners on that square are entitled by the

Zoning Regulations to build their property to the maximum that the law will allow. The University has chosen to do that; others are entitled to do the same; and

- g. The Commission finds that the ANC's concern with the north Virginia Avenue location of the access drive to the underground parking garage to be without merit. In so finding, the Commission credits the expert testimony of the University's parking consultant which is substantiated, in pertinent part, by the findings and recommendations of the D.C. Department of Transportation that this proposed location will have no adverse effects on traffic.
4. The Commission finds that the alleged zoning violation, privacy, and potential impact concerns presented by Dr. Kreuzer and his associates to be unsubstantiated and/or without merit. First, the Commission is not authorized in this process to determine whether the University violated a mandate of BZA Order No. 14455 when it demolished the residential structures it owned on Square 43. Even so, a plain reading at the BZA order readily reveals that the BZA did not prohibit the University from demolishing residential structures on Square 43. Second, the University proposes to build its dormitory to a height and at a lot occupancy that is permitted by the Zoning Regulations. But for the fact that this is a University use in a residential district, another property owner would be entitled by right to build a structure of similar height and lot occupancy adjacent to Dr. Kreuzer's property. Third, Dr. Kreuzer has not presented the Commission with any tangible or reliable evidence of what his proposed development may be or the impact that the University's proposed dormitory may have on a structure he may or may not build in the future. There is no evidence of what, when, or if Dr. Kreuzer will develop. Further, he has failed to substantiate that his existing property will be adversely affected by the University's proposed development. His objection that the proposed height of the University dormitory will adversely affect his personal privacy is not sustainable given the 90 foot heights and the medium-to-high density development that the Zoning Regulations permit on all properties on that square. In sum, Dr. Kreuzer has not placed into the record sufficient or convincing evidence to allow the Commission to evaluate, or to persuade the Commission to credit his concerns with respect to the impact of that the University's proposed dormitory may have on a structure he has yet to plan or to develop. His concerns with respect to the impact on his existing property are rejected.
5. The Commission finds that the concerns submitted by persons appearing in opposition to the application are substantively similar to those submitted by ANC-2A and that the findings herein with respect to the ANC concerns adequately address the concerns submitted by those persons.
6. The Commission finds further that the University has submitted into the record a suitable statement discussing the status of the conditions imposed by the BZA in its order of March 29, 2001, and its remand order of December 21, 2001.

Conclusions of Law:

1. Based on the Findings of Fact and the evidence of record, the University is seeking a special exception under § 210 of the Zoning Regulations for further processing under an existing campus plan authorizing the construction and use of a new student dormitory on the campus of the University at 616 23rd Street, N.W. The granting of this relief requires compliance with the provisions of §§ 210 and 3104.1 of the Zoning Regulations. The Commission concludes that the University has met its burden of proof.
2. The Commission further concludes that the proposed dormitory on Square 43 is located so as not to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions. The Commission further concludes that the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.
3. The Commission concludes that it has accorded ANC-2A the “great weight” to which it is entitled. Accordingly, it is ordered that the application is **GRANTED**.

VOTE: **5-0-0** (John G. Parsons, Anthony J. Hood, Carol J. Mitten,
James H. Hannaham, and Peter J. May to approve.)

[SIGNATURE ON FOLLOWING PAGE]

BY ORDER OF THE ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

Each concurring member has approved the issuance of this Summary Order.

ATTESTED BY:


JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: APR - 3 2002

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURES AND RENOVATIONS WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. *SEE* D.C. CODE § 1-2531 (1999 Repl.). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.